

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00018(1)-ADA
	§	
(1) DARRELL JACOB BALMONTE	§	
RILLERA		

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On September 4, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) DARRELL JACOB BALMONTE RILLERA, which alleged that Balmonte Rillera violated a condition of his supervised release and recommended that Balmonte Rillera's supervised release be revoked (Clerk's Document No. 68). A warrant issued and Balmonte Rillera was arrested. On September 13, 2024, Balmonte Rillera appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Balmonte Rillera appeared before the magistrate judge on October 8, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on October 8, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Balmonte Rillera, the magistrate judge recommends that this court revoke Balmonte Rillera supervised release and that Balmonte Rillera be sentenced to imprisonment for TWELVE (12) months, with credit for time served, followed by TWO (2) years of supervised release with all conditions of release to remain in place, except the participation in the Location Monitoring Program, which was imposed as a result of the July 2, 2024 revocation hearing. If Defendant has any additional petitions to revoke his supervised release in this matter and if at all possible, Defendant is to be brought before the Honorable Judge Derek T. Gilliland for any future supervised release revocation hearing in this case (Clerk's Document No. 84).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On October 8, 2024, following the hearing on the motion to revoke supervised


release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 83). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 84) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) DARRELL JACOB BALMONTE RILLERA's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) DARRELL JACOB BALMONTE RILLERA be imprisoned for TWELVE (12) months months, with credit for time served, followed by TWO (2) years of supervised release with all conditions of release to remain in place, except the participation in the Location Monitoring Program, which was imposed as a result of the July 2, 2024 revocation hearing. If Defendant has any additional petitions to revoke his supervised release in this matter and if at all possible, Defendant is to be brought before the Honorable Judge Derek T. Gilliland for any future supervised release revocation hearing in this case.

Signed this 22nd day of October, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE